

SECURITY INFORMATION

EPY-6485

OCT 11 1953

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Application of State-Defense, Military Information
Control Committee Policy by CIA

1. In considering the recommendations of the attached memorandum dated 2 September 1953 and signed by the DD/I and the Acting DD/P, it is believed it would be of assistance to review the past application of S-D MICC policy under Admiral Hillenkoetter and General Smith. The former issued an Administrative Instruction that dissemination of CIA produced intelligence or information to agencies of foreign governments was not authorized except with the specific approval of the DCI. The latter did not address a specific directive to this problem but it is understood he adopted the position that the DCI could disseminate intelligence which CIA itself collected or produced directly to foreign governments without the concurrence of the IAC but that in making any such dissemination, the principles established by S-D MICC would be taken into consideration.

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2. It might be helpful in arriving at a decision as to the application of S-D MICC policy to the release of CIA information or intelligence to foreign governments to consider the premises on which the S-D MICC policy is founded.

3. In the first place, what is commonly referred to as the S-D MICC policy is the implementation of a basic policy for the disclosure of classified military information to foreign governments as recommended by the Joint Chiefs of Staff and approved by the Secretaries of the Military Services. The President on 27 February 1946 approved this basic policy which stated that three conditions must be met prior to disclosure; namely, (1) determination that it is consistent with U. S. foreign policy, (2) determination that the military security of the U. S. permits disclosure, (3) determination that it will result in benefits equivalent to the information disclosed.

4. The S-D MICC policy being one of implementation is under continuous review by that Committee and is changed to conform with the foreign policy of the U. S. and consistent with the U. S. estimate of the security of a foreign government.

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5. It is considered that the S-D MICC policy offers a baseline against which CIA could project contemplated releases of its classified information and intelligence to foreign governments, inasmuch as this policy represents a combination of foreign policy considerations and current U.S. security opinion concerning the security of individual foreign governments. In addition the S-D MICC policy has come to be generally accepted throughout the Government as a guiding policy with respect to disclosure of classified information to foreign governments.

6. The S-D MICC policy is not inflexible. To the contrary, perhaps the outstanding contribution of this Committee has been its willingness to consider releases to foreign governments which are exceptions to the policy. In considering such exceptions, S-D MICC has consistently emphasized that a net advantage to the U. S. must accrue. The S-D MICC Committee is composed of security officials of State and the Military and in addition, OSD, JCS, RDB, NSA and CIA are represented as Observers.

7. It is offered, therefore, that CIA could well establish a committee to pass upon the net advantage to the U. S. of certain proposed releases of its information or intelligence to foreign governments as balanced against the security risk.

8. In summary, since the S-D MICC policy has sound foundations, is flexible, has been carefully developed, and is generally accepted throughout the Government, it is believed that the recommendations of the Deputy Director (Intelligence) and the Deputy Director (Plans) should be modified to require a committee approval of the disclosure of information not permitted under S-D MICC policy. The following recommendations have, therefore, incorporated this arrangement in the proposals made by the Deputy Director (Intelligence) and Deputy Director (Plans).

RECOMMENDATIONS:

1. Classified military information in the possession of CIA will be disseminated (disclosed) to foreign governments (nationals) only under the provisions of S-D MICC policy and with the consent of the originating department. The responsibility of determining what is or is not classified military information will rest with those officers who have dissemination responsibilities under CIA regulations and in making this determination, the advice of the CIA producing Office will be sought.

2. The releasability to foreign governments (nationals) of intelligence and intelligence information which is not classified military information will be determined by those officers having responsibility for dissemination under CIA regulations, provided the following two criteria are both met: (a) A net advantage

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will accrue to the U. S.; (b) the release is permissible under S-D MICC policy.

3. Information and intelligence which is not classified military information and which is outside the scope of permissible release under S-D MICC policy will be referred to a Foreign Dissemination Control Committee for decision with respect to the net advantage to the U. S. as weighed against the security risk. A representative each of the DD/I, DD/P and DD/A will compose this Committee. Where unanimity of decision cannot be reached, the Committee will directly refer the matter to the DDCI with supporting papers for decision. This Committee will be Chaired by the representative of the DD/I.

4. The foregoing recommendations will be incorporated into the regulation now being revised on dissemination.

15/
L. K. White
Acting Deputy Director
(Administration)

cc: DD/P
cc: DD/I

APPROVED:

Director of Central Intelligence

SO/CVB:skh(29 Sept 53)
Additions: SA/DD/A:RDHH:sh(9 Oct 53)

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